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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/707,579	12/22/2003	Steven M. RUSSEL	117434	1578
27074	7590	07/25/2005	EXAMINER	
OLIFF & BERRIDGE, PLC. P.O. BOX 19928 ALEXANDRIA, VA 22320			ROYER, WILLIAM J	
			ART UNIT	PAPER NUMBER
			2852	

DATE MAILED: 07/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/707,579	RUSSEL ET AL.	
	Examiner	Art Unit	
	William J. Royer	2852	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-9 and 13 is/are rejected.
- 7) ☒ Claim(s) 10-12 and 14-19 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 December 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>12222003</u> . | 6) <input type="checkbox"/> Other: ____. |

Drawings

The drawings are objected to because of the following informalities:

The figures are objected to because every line, number and letter are not durable, clean, black, sufficiently dense and dark, and uniformly thick and well-defined. Further, Figures 4, 5, 7a, 7b, 8 and 9 appear to be photographs and because of this there are different levels of shading present in these figures which make the elements shown in these figures very difficult to distinguish from each other.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

The title of the invention is not descriptive. The title should indicate that the systems and methods are used in a fusing device. A new title is required that is clearly indicative of the invention to which the claims are directed.

The disclosure is objected to because of the following informalities:

In paragraph [0006], line 16, change "to move to the fusing station" to --- to move the fusing station ---.

In paragraph [0030], line 4, change "registration a" to --- a registration ---.

In paragraph [0032], lines 1, 4, 6 and 7, change "marking engine" to --- print engine --- since "print engine" is the terminology used previously in the specification, not "marking engine".

In paragraph [0032], line 5, change "(Fig. 9)" to --- (Fig. 8) --- since reference numeral "140" is not shown in Figure 9 but is shown in Figure 8.

In paragraph [0032], line 13, change "a latch" to --- the latch ---.

In paragraph [0032], line 15, change "the fuser" to --- a fuser ---.

In paragraph [0033], line 3, change "print" to --- marking ---.

In paragraph [0034], line 2, change "print" to --- marking ---.

In paragraph [0034], line 10, before "translation" insert --- fuser ---.

In paragraph [0036], line 5, change "a either" to --- either ---.

In paragraph [0038], line 4, before "translation" insert --- fuser ---.

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In paragraph [0038], line 8, before "sensor" insert --- RDS position ---.

In paragraph [0039], line 4, before "translation" insert --- fuser ---.

In paragraph [0039], line 8, before "sensor" insert --- RDS position ---.

In paragraph [0040], line 5, lines X and Y are identified as being in Figure 9, however, neither line X nor line Y are shown in Figure 9.

In paragraph [0041], line 2, change "print" to --- marking ---.

In paragraph [0042], line 3, change "print" to --- marking ---.

In paragraph [0042], line 5, change "drawer" to --- roll drawer 150 ---.

In paragraph [0042], line 6, before "translation" insert --- fuser ---.

In paragraph [0046], lines 10, 11, 14 and 15, before "translation" insert -- fuser --.

In paragraph [0046], lines 13 and 14, before "spring" insert --- backlash ---.

In paragraph [0049], line 2, change "to the" to --- to an ---.

In paragraph [0051], line 5, change "printing" to --- marking ---.

In paragraph [0052], line 4, change "the controller 170, the" to --- a controller 170, a ---.

In paragraph [0055], line 3, change "410. The memory" to --- 510. The memory 540 ---.

In paragraph [0057], line 8, reference numeral "550" is used to identify a bus, however, reference numeral "550" does not appear to be shown in any of the figures.

In the abstract, lines 4-5, change "nip portion" to --- nip ---.

Appropriate correction is required.

Claim Objections

Claims 4-6, 8-11, 14 and 15 are objected to because of the following informalities:

Claim 4, line 4, after "travel" insert --- of ---.

Claim 4, line 5, after "one" insert --- of the ---.

Claim 5, line 2, before "first" insert --- of the ---.

Claim 6, line 3, change "printing" to --- marking ---.

Claim 8, line 3, after "with" insert --- the ---.

Claim 9, line 2, change "printing" to --- marking ---.

Claim 10, line 1, change "the at" to --- at ---.

Claim 11, line 3, change "a" to --- each ---.

Claim 14, line 3, delete --- portion ---.

Claim 15, line 2, change "first" to --- fuser ---.

Claim 15, line 2, change "second" to --- pressure ---.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-9 and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Mahoney. Referring to Figures 1 and 2, Mahoney discloses a fusing station 1 (i.e., fusing device) that is mounted on a stationary base plate 6 of a reproduction apparatus (i.e., reprographic marking device) for lateral movement of the fusing station relative to a direction of travel of a receiver 5 (i.e., substrate). The fusing station includes a pressure roller 2 (i.e., first roll); a fuser roller 3 (i.e., second roll) in press contact with the pressure roller to form a fusing nip 4 (i.e., nip portion; nip) to more than receiver; and a motor 14 (i.e., drive motor) for moving at least one of the pressure roller and the fuser roller in a continuous back and forth lateral motion to change a position of the at least one of the pressure roller and the fuser roller relative to the receiver passing through the fusing nip. Further, the lateral travel (i.e., predetermined travel) of the fusing station is limited by reversing sensors (not shown) (i.e., at least one sensor). Furthermore, upon a nut 12 (i.e., flag assembly) of bracket 11 making contact with a reversing sensor, the reversing sensor signals the motor to be deactivated and its rotation reversed. Upon reactivation of the motor, the movement of the fusing station will be opposite to its previous direction. It is noted that bracket 11 forms a bracket system (i.e., roll drawer) with a bracket 12 and a bottom plate 15.

Allowable Subject Matter

Claims 10-12 and 14-19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Relevant Prior Art

The following prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Izaki discloses a pressing device that includes an axially movable roller.

Nakai et al disclose a roller having axially movable pressing members.

Omoto et al disclose a fixing device that includes an axially movable core that is moved based upon the size of sheet being used.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William J. Royer whose telephone number is (571) 272-2140. The examiner can normally be reached on Monday-Thursday and alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Arthur T. Grimley can be reached on (571) 272-2136. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, reading "William J. Royer". The signature is written in a cursive, flowing style.

William J. Royer
Primary Examiner
Art Unit 2852

wjr
July 22, 2005